



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SPECIAL SESSION—UC DAVIS SCHOOL OF LAW
OCTOBER 3, 2012**

The following cases are placed upon the calendar of the Supreme Court for hearing at its Special Session at the UC Davis School of Law (King Hall), 400 Mrak Hall Drive, Davis, California.

Prior to this Special Session the court will hold oral argument in a number of other cases in its San Francisco courtroom on October 2, 2012. The full calendar for both days will be available at <http://www.courts.ca.gov/supremecourt.htm>. The Special Session Calendar (including expanded cases statements and briefing) is available on the Case Information section at <http://www.courts.ca.gov/18845.htm>

WEDNESDAY, OCTOBER 3, 2012—10:00 A.M.

Opening Remarks: Historic Special Session

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| (1) | S185544 | Ralphs Grocery Co. v. United Food and Commercial Workers Union Local 8 |
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1:10 P.M.

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| (2) | S195031 | Nalwa (Smriti) v. Cedar Fair, L.P. |
| (3) | S191550 | Sargon Enterprises, Inc. v. University of Southern California et al. |

CANTIL-SAKAUYE

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

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The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

WEDNESDAY, OCTOBER 3, 2012—10:00 A.M.

(1) *Ralphs Grocery Co. v. United Food & Commercial Workers Union Local 8*, S185544

#10-116 Ralphs Grocery Co. v. United Food & Commercial Workers Union Local 8, S185544. (C060413; 186 Cal.App.4th 1078; Superior Court of Sacramento County; 34-2008-00008682-CU-OR-GD.) Petition for review after the Court of Appeal reversed an order denying a preliminary injunction in a civil action. This case presents the following issues: (1) Did the Court of Appeal err in concluding that the parking area and walkway in front of the entrance to plaintiff's retail store, which is part of a larger shopping center, do not constitute a public forum under *Robins v. Pruneyard Shopping Center* (1979) 23 Cal.3d 899 and its progeny? (2) Do the Moscone Act (Code Civ. Proc. § 527.3) and Labor Code section 1138.1, which limit the availability of injunctive relief in labor disputes, violate the First and Fourteenth Amendments of the United States Constitution because they afford preferential treatment to speech concerning labor disputes over speech about other issues?

1:10 P.M.

(2) *Nalwa (Smriti) v. Cedar Fair, L.P.*, S195031

#11-107 Nalwa (Smriti) v. Cedar Fair, L.P., S195031. (H034535; 196 Cal.App.4th 566; Superior Court of Santa Clara County; CV089189.) Petition for review after the Court of

Appeal reversed the judgment in a civil action. This case presents the following issues:

(1) Does the existence of a state regulatory scheme for amusement parks preclude application of the doctrine of “primary assumption of risk” with respect to the park’s operation of a bumper car ride? (2) Does the doctrine apply to bar recovery by a rider of a bumper car ride against the owner of an amusement park or is the doctrine limited to “active sports”? (3) Are owners of amusement parks subject to a special version of the doctrine that imposes upon them a duty to take steps to eliminate or decrease any risks inherent in their rides?

(3) ***Sargon Enterprises, Inc. v. University of Southern California et al., S191550***

#11-46 Sargon Enterprises, Inc. v. University of Southern California et al., S191550.

(B202789; nonpublished opinion; Superior Court of Los Angeles County; BC209992.)

Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Did the trial court err in excluding proffered expert opinion testimony regarding lost profits?